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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,909	12/27/2001	Kenji Nishi	111586	1228

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EXAMINER

NGUYEN, HUNG

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,909

Applicant(s)

NISHI, KENJI

Examiner

Hung Henry V Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Response filed 6/18/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 22-34 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-21 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-34 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of group III (claims 11-21) in Paper No. 10 is acknowledged. The traversal is on the ground(s) that (1) "all claims 1-21 are drawn to a manufacturing method", (2) "claims 23-34 are drawn to an exposure apparatus and that is not for practicing the manufacturing the manufacturing methods recited in claims 1-21 of group I-III" (3) "group II and III do not have a separate classification" and (4) "the search and examination of entire application could be made without serious burden". The application's arguments are not found persuasive because of the following reasons:

a. As stated in the Restriction Requirement sent May 27, 2003, Group I is related to a manufacturing method for manufacturing a product which includes a main body and a first module", while the group II is related to "a manufacturing method for exposure apparatuses which exposes an object by an exposure beam via a projection system" and group III is related to "a manufacturing method for exposure apparatuses". Based on the preamble of the claims, the Applicant is correct in stating that all claims of group I-III are "drawn to a manufacturing method". However, these "manufacturing methods" are not connected in design, operation or effect. These "manufacturing methods" are independent, have different modes of operation and have different functions and have different effects. For example, while the "manufacturing method as recited in group I, is clearly a method having specific steps for making semiconductor devices (making stage system, illumination system, and the main body of an exposure apparatus), having specified steps of installing each parts of an exposure apparatus in a plurality of manufacturing lines so that the manifesting of the exposure devices in a whole can be

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produced efficiently without using dedicated large adjustment jigs. The “manufacturing method” as explicitly recited in group II is a manufacturing method for an exposure apparatus having steps of installing a plurality of parts to a main body frame in a plurality of manufacturing lines to improve the productivity in a manufacturing line and the “manufacturing method” of group III (claims 11-21) is related to a method for assembling the exposure apparatus having specific steps of assembling each of structures of an exposure apparatus in order to reduce the vibration of the exposure apparatus. There is no technical relationship among “manufacturing method” of group I, II and III. For example, claim 11 recite five steps of “assembling a first main body frame of an exposure apparatus in a first manufacturing line”, “a second step of ...a second manufacturing line”, “a third step of installing a first adjustment stage...on the first main body frame”, “a fourth step of assembling...in the second manufacturing line” and a “fifth step of removing the first adjustment....apparatus”. There are no common technical steps between the groups I, II, and III.

b. Finally, the exposure apparatus as claimed in claims 22-34 and the manufacturing methods of groups I-III are distinct if it can be shown that either (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practiced another and materially different process. As stated, the process /manufacturing method, in this case can be practiced by hand.

c. Group II is classified in class 355 subclass 77 while group III is classified in class 355 sub class 77+ (see previous restriction). As such, they have separate classification.

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d. As demonstrated, the claims are independent. The distinct and separate search are quite extensive and places a serious burden (emphasis added) on the Examiner in regard to both search and examination. Accordingly, the request to withdraw the restriction requirement is denied.

The requirement is still deemed proper and is therefore made FINAL.

2. This application is in condition for allowance except for the presence of claims 1-10, and 22-34 an invention non-elected with traverse in Paper No. 10. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to cancel the noted claims or take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

The prosecution of this case is closed except for consideration of the above matter.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: Claims 11-21 have been found to be allowable since while the prior art of record teaches an exposure apparatus having main body frame, stages, adjustment stage, projection optical system, but does not specifically disclose a manufacturing method of exposure apparatuses with specific steps as recited in claims 11-21.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

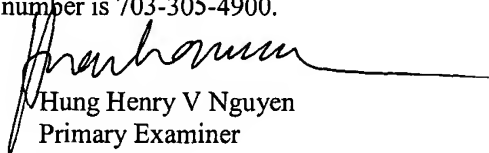
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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Henry V Nguyen whose telephone number is 703-305-6462. The examiner can normally be reached on Monday-Friday (First Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.


Hung Henry V Nguyen
Primary Examiner
Art Unit 2851

hvn
June 28, 2003